

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

vs.

**STIPULATION TO  
WITHDRAW ANSWER**

Frank A. Catalano, III, Arlene A. Catalano, Ford Motor  
Credit Company, John Doe, Mary Roe and XYZ  
Corporation

**CV No.: 07-CV-0004 A**

Defendants.

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WHEREAS, the plaintiff commenced this action by the filing of a Summons and Complaint on 1/4/2007; and

WHEREAS, a Verified Answer and Cross Claim was served in response to the Summons & Complaint on behalf of defendant Frank A. Catalano, III, by his counsel Michael R. Wyszynski, on or about January 30, 2007; and

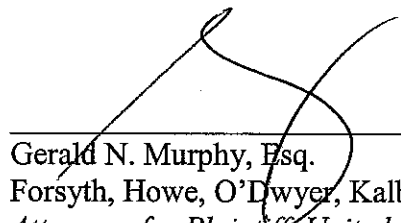
WHEREAS, counsel for the plaintiff has represented to the counsel for the answering defendant that the plaintiff will not seek to pursue a deficiency judgment against his client, and, that based upon this representation, the answering defendant has consented to withdraw his Verified Answer and Cross Claim,

IT IS NOW HEREBY AGREED BY AND BETWEEN the plaintiff and defendant Frank A. Catalano, III, through their respective attorneys, as follows:

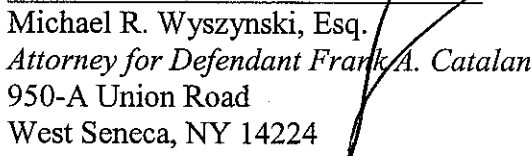
1. The Verified Answer and Cross Claim of defendant dated January 30, 2007 is hereby withdrawn. A copy of this Verified Answer and Cross Claim is attached hereto and made a part hereof as **Exhibit "A"**.

2. That defendant, Frank A. Catalano, III does hereby serve a general notice of appearance and the plaintiff does hereby accept the service of same. A copy of this Notice of Appearance is attached hereto and made a part hereof as **Exhibit "B"**.

Dated: March 9, 2007

  
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Gerald N. Murphy, Esq.  
Forsyth, Howe, O'Dwyer, Kalb & Murphy, P.C.  
*Attorneys for Plaintiff, United States of America*  
One Chase Square, Suite 1900  
Rochester, New York 14604  
(585) 325-7515

Dated: March 6, 2007

  
\_\_\_\_\_  
Michael R. Wyszynski, Esq.  
*Attorney for Defendant Frank A. Catalano, III*  
950-A Union Road  
West Seneca, NY 14224  
(716) 674-9610

SO ORDERED:

\_\_\_\_\_  
Hon. Leslie G. Foschio  
U.S. Magistrate Judge

**EXHIBIT "A"**

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Defendants.

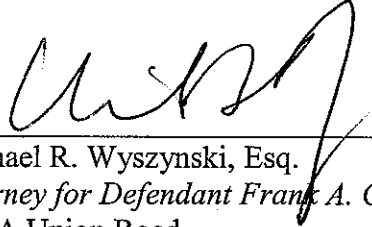
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NOTICE OF APPEARANCE  
AND WAIVER IN  
FORECLOSURE

CV No.: 07-CV-0004 A

SIR: PLEASE TAKE NOTICE, that the defendant, **Frank A. Catalano, III** hereby appears in the above entitled action and that the undersigned has been retained as attorney for said defendant therein and hereby waives service of all papers and notice of all proceedings in said action **except copy of Judgment of Foreclosure and Sale, Notice of Sale, Report of Sale and notice of proceedings to obtain surplus moneys, if any, to be mailed to the address below.**

Dated: March 6, 2007

  
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Michael R. Wyszynski, Esq.  
*Attorney for Defendant Frank A. Catalano, III*  
950-A Union Road  
West Seneca, NY 14224  
(716) 674-9610

TO: FORSYTH, HOWE, O'DWYER, KALB & MURPHY, P.C.

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